

REMARKS

Claims 80-90 have been added. No claims have been canceled or amended. Claims 1-90 are pending in the application. Reconsideration of the restriction requirement and of the application is respectfully requested in view of the amendments and the remarks to follow.

New claims 80-90 are supported at least by text appearing at page 9, paragraph 29 through page 29, paragraph 81 of the application as originally filed. No new matter is added by new claims 80-90. New claims 80-90 are similar to claim 1 et seq. as well as claim 76 et seq. but differ in scope. New claims 80-90 distinguish over the art of record and are allowable.

Response to Restriction:

The Office Action states (page 2) that of pending claims 1-79, restriction is required between:

Group I: claims 1-75, allegedly drawn to a stacked capacitor; and

Group II: claims 76-79, allegedly drawn to a process for charging a floating electrode.

Applicant provisionally elects the claims of Group I with traverse, as is discussed below in more detail.

The Office Action states (p. 2) that "The inventions are distinct, each from the other, because of the following reasons: Inventions I and II are related as product and process of use. The inventions can be shown to be distinct if either or both of the following can be shown: (1) the process for using the product as claimed can be used with another materially different product or (2) the product as claimed can be used in a materially different process of using that product (MPEP §806.05(h))." The Office Action alleges that "In the instant case the capacitor can be charged without the specific injection/extraction means of II." but fails to provide any notion as to how such might be attempted. Either withdrawal of or clarification of the restriction requirement and the reasoning for such is respectfully requested.

The Office Action further states (pages 2 and 3) that, "Should applicant selected [sic] Group I, the application contains claims directed to the following patentably distinct species:

Embodiment I: figure 3;

Embodiment II: figure 4;

Embodiment III: figure 5;

Embodiment IV; figure 6;

Embodiment V, figure 7."

Applicant elects the species of Fig. 3, which is further described with reference to Figs. 4-10, the specification and claims 1-79. Fig. 3 is a schematic diagram and thus has generic characteristics with respect to any embodiments disclosed in this application (see, e.g., the Figs., at least as noted above and in the Office Action, and also accompanying text).

Either withdrawal of or clarification of the species restriction is respectfully and particularly requested in view of these issues noted in the Office Action (pages 2 and 3), as well as various other allegations represented in the Office Action.

Applicant suggests that additional consideration of the pending claims may indicate that restriction is not warranted. Consideration of the recitation of new claims 80-90 may assist with such. For at least these reasons, Applicant respectfully requests that the restriction requirement be withdrawn, and that Applicant's claims 1-90 be considered on the merits and be allowed.

Conclusion

Claims 1-90 are in condition for allowance. Applicant respectfully requests reconsideration and issuance of the subject application. Should any matter in this case remain unresolved, the undersigned attorney respectfully requests a telephone conference with the Examiner to resolve any such outstanding matter.

Respectfully Submitted,

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